

1 SHEPPARD MULLIN RICHTER & HAMPTON LLP
A Limited Liability Partnership
2 Including Professional Corporations
MOE KESHAVARZI, Cal. Bar No. 223759
3 mkeshavarzi@sheppardmullin.com
GREGORY A. LONG, Cal. Bar No. 57642
4 glong@sheppardmullin.com
333 South Hope Street, 48th Floor
5 Los Angeles, California 90071-1448
Telephone: 213-620-1780
6 Facsimile: 213-620-1398

7 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
A Limited Liability Partnership
8 Including Professional Corporations
LAI L. YIP, Cal. Bar No. 258029
9 lyip@sheppardmullin.com
Four Embarcadero Center, 17th Floor
10 San Francisco, California 94111-4109
Telephone: 415.434.9100
11 Facsimile: 415.434.3947

12 Attorneys for Defendants
J. C. PENNEY CORPORATION, INC. and
13 J. C. PENNEY COMPANY, INC.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 MARIA TORRES, GABRIEL ROJAS
and IAN KERNER, individually and on
18 behalf of all others similarly situated,

19 Plaintiffs,

20 v.

21 JC PENNEY CORPORATION, INC.;
and JC PENNEY COMPANY INC.,

22 Defendants.
23
24
25
26
27
28

Case No. 3:12-cv-01105-RS
The Hon. Richard Seeborg

**STIPULATION TO FURTHER
CONTINUE CASE MANAGEMENT
CONFERENCE AND SET
BRIEFING SCHEDULE;
[PROPOSED] ORDER**

Complaint Filed: March 5, 2012

STIPULATION

WHEREAS, the Case Management Conference in this case is currently set for October 25, 2012 at 10:00 a.m.;

WHEREAS, the Court has ordered that plaintiffs Maria Torres, Gabriel Rojas, and Ian Kerner (collectively, "Plaintiffs") have until October 22, 2012 to file an amended complaint in this action (Dkt #32);

WHEREAS, defendants J.C. Penney Corporation, Inc. and J.C. Penney Company, Inc. (collectively, "JCPenney") anticipate filing a motion to dismiss Plaintiffs' amended complaint;

WHEREAS, the only time modifications in this case have been the continuance of the Case Management Conference from July 19, 2012 at 10:00 a.m. to September 13, 2012 at 1:30 p.m. (Dkt #21); the further continuance of the Case Management Conference from September 13, 2012 at 1:30 p.m. to October 25, 2012 at 10:00 a.m. (Dkt #27); and the continuance of the hearing on JCPenney's motion to dismiss and motion to strike portions of the complaint from September 13, 2012 at 1:30 p.m. to September 27, 2012 at 1:30 p.m. (Dkt #28);

WHEREAS, the parties have met and conferred and agree that the Case Management Conference should be deferred until after the Court has ruled on JCPenney's anticipated motion to dismiss Plaintiffs' amended complaint because it will serve judicial economy, as the Court's ruling will impact issues addressed in the Case Management Conference statement (including length of trial, trial date, deadline to complete discovery and whether this action will proceed as a class action);

THEREFORE, pursuant to Local Rules 6-2 and 16-2(e), and Judge Seeborg's Standing Order Re: Initial Case Management, the parties through their undersigned counsel stipulate, subject to the Court's approval, that:

1. JCPenney's motion to dismiss Plaintiffs' amended complaint is due November 19, 2012;

2. Plaintiffs' opposition to JCPenney's motion is due December 3, 2012;

3. JCPenney's reply in support of its motion is due December 10, 2012;

4. the hearing on JCPenney's motion is set to January 17, 2013 at 1:30 p.m., or as soon thereafter as is convenient to the Court; and

5. the Case Management Conference is continued from October 25, 2012 at 10:00 a.m. to February 7, 2013 at 10:00 a.m., or as soon thereafter as is convenient to the Court.

Dated: October 16, 2012 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By /s/ Moe Keshavarzi
MOE KESHAVARZI
Attorneys for Defendant
J. C. PENNEY CORPORATION, INC. and
J. C. PENNEY COMPANY, INC.

Dated: October 16, 2012 BAKER LAW PC

By /s/ G. Richard Baker
G. RICHARD BAKER
Attorneys for Plaintiffs
MARIA TORRES, GABRIEL ROJAS, and
IAN KERNER

CERTIFICATION

I, Moe Keshavarzi, am the ECF User whose identification and password are being used to file this STIPULATION TO FURTHER CONTINUE CASE MANAGEMENT CONFERENCE; [PROPOSED] ORDER. Pursuant to General Order 45, section X.B, I attest that G. Richard Baker has concurred in this filing.

Dated: October 16, 2012 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By /s/ Moe Keshavarzi
MOE KESHAVARZI
Attorneys for Defendant
J. C. PENNEY CORPORATION, INC. and
J. C. PENNEY COMPANY, INC.

PROPOSED ORDER

Having considered the Stipulation to Further Continue Case Management Conference and Set Briefing Schedule entered into by plaintiffs Maria Torres, Gabriel Rojas, and Ian Kerner and defendants J. C. Penney Corporation, Inc. and J. C. Penney Company, Inc., and good cause appearing therefor,

IT IS ORDERED THAT:

1. JCPenney's motion to dismiss Plaintiffs' amended complaint is due November 19, 2012;
2. Plaintiffs' opposition to JCPenney's motion is due December 3, 2012;
3. JCPenney's reply in support of its motion is due December 10, 2012;
4. the hearing on JCPenney's motion is set to January 17, 2013 at 1:30 p.m.; and
5. the Case Management Conference is continued from October 25, 2012 at 10:00 a.m. to February 7, 2013 at 10:00 a.m.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 10/16/12



Honorable Richard Seeborg
United States District Judge